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May 16, 2012

**VIA ECF**

The Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**RE: Lowenbein v. Associated  
12 CV 1479 (BMC)**

Dear Judge Cogan:

I represent the plaintiff in the above matter. Being that I have had the fortune to appear before Your Honor on numerous occasions, Your Honor has made it clear to me that Your Honor expects the initial conference to be a meaningful and frank discussion so that the parties and Court can discuss how to best dispose of the matter. Your Honor was disappointed with me that I did not make that clear in a certain matter as the defendant's position was a mere denial of the allegations. If my memory is correct, Your Honor wants the parties to exchange their position statements so that each party can comment on the other's position so that the joint letter is as meaningful as possible.

I have tried to communicate the foregoing to my adversary but he takes the position that I am to forward the plaintiff's position in word and he will return the document with defendant's position for me to file.

Therefore, plaintiff seeks an order clarifying the Court's expectations for the joint letter and to compel the defendant to forward his position statement to me so that there can be further commenting by both parties as we prepare to appear before Your Honor.

In addition, I am required to appear before Chief Magistrate Judge Gold at 11:00 a.m. also on May 23, 2012. The defendant has consented to my making an application to change the conference if it could be early in the morning of May 23, 2012. If the Court could accommodate me, it would be greatly appreciative. Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/

Adam J. Fishbein

Cc: Ronald A. Giller, Esq.